

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FRED CHISOM,

Petitioner,

V.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

Respondent.

Case No. C07-5310 RBL/KLS

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of the Hon. Karen L. Strombom, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER**:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's motion to proceed *in forma pauperis* (Dkt. # 1) and motion to waive the filing fee (Dkt. # 4 and 5) are **DENIED**. Further, this petition cannot be cured by amendment as Petitioner is not challenging his judgment or sentence.
- (3) The Court will not consider converting this action to a civil rights action as Petitioner has had actions dismissed on five previous occasions where the

1 Court specifically counted the dismissal as a strike pursuant to 28 U. S. C.
2 1915(g).

3 (4) The Clerk is directed to **DISMISS THE PETITION** and to send copies of
4 this Order to Petitioner and to the Hon. Karen L. Strombom.

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6 DATED this 27th day of August, 2007.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE
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